



General Assembly

January Session, 2007

Committee Bill No. 6420

LCO No. 5515

05515HB06420PD_

Referred to Committee on Planning and Development

Introduced by:
(PD)

**AN ACT ALLOWING THE IMPOSITION OF A FEE FOR SUBDIVISIONS
IN LIEU OF INSTALLATION OF SIDEWALKS.**

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. Subsection (a) of section 8-25 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2007*):

4 (a) No subdivision of land shall be made until a plan for such
5 subdivision has been approved by the commission. Any person, firm
6 or corporation making any subdivision of land without the approval of
7 the commission shall be fined not more than five hundred dollars for
8 each lot sold or offered for sale or so subdivided. Any plan for
9 subdivision shall, upon approval, or when taken as approved by
10 reason of the failure of the commission to act, be filed or recorded by
11 the applicant in the office of the town clerk within ninety days of the
12 expiration of the appeal period under section 8-8, or in the case of an
13 appeal, within ninety days of the termination of such appeal by
14 dismissal, withdrawal or judgment in favor of the applicant but, if it is
15 a plan for subdivision wholly or partially within a district, it shall be
16 filed in the offices of both the district clerk and the town clerk, and any

17 plan not so filed or recorded within the prescribed time shall become
18 null and void, except that the commission may extend the time for
19 such filing for two additional periods of ninety days and the plan shall
20 remain valid until the expiration of such extended time. All such plans
21 shall be delivered to the applicant for filing or recording not more than
22 thirty days after the time for taking an appeal from the action of the
23 commission has elapsed or not more than thirty days after the date
24 that plans modified in accordance with the commission's approval and
25 that comply with section 7-31 are delivered to the commission,
26 whichever is later, and in the event of an appeal, not more than thirty
27 days after the termination of such appeal by dismissal, withdrawal or
28 judgment in favor of the applicant or not more than thirty days after
29 the date that plans modified in accordance with the commission's
30 approval and that comply with section 7-31 are delivered to the
31 commission, whichever is later. No such plan shall be recorded or filed
32 by the town clerk or district clerk or other officer authorized to record
33 or file plans until its approval has been endorsed thereon by the
34 chairman or secretary of the commission, and the filing or recording of
35 a subdivision plan without such approval shall be void. Before
36 exercising the powers granted in this section, the commission shall
37 adopt regulations covering the subdivision of land. No such
38 regulations shall become effective until after a public hearing held in
39 accordance with the provisions of section 8-7d. Such regulations shall
40 provide that the land to be subdivided shall be of such character that it
41 can be used for building purposes without danger to health or the
42 public safety, that proper provision shall be made for water, sewerage
43 and drainage, including the upgrading of any downstream ditch,
44 culvert or other drainage structure which, through the introduction of
45 additional drainage due to such subdivision, becomes undersized and
46 creates the potential for flooding on a state highway, and, in areas
47 contiguous to brooks, rivers or other bodies of water subject to
48 flooding, including tidal flooding, that proper provision shall be made
49 for protective flood control measures and that the proposed streets are
50 in harmony with existing or proposed principal thoroughfares shown

51 in the plan of conservation and development as described in section
52 8-23, especially in regard to safe intersections with such thoroughfares,
53 and so arranged and of such width, as to provide an adequate and
54 convenient system for present and prospective traffic needs. Such
55 regulations may, with the approval of the commission, authorize the
56 applicant to pay a fee to the municipality in lieu of any requirement to
57 install sidewalks. The amount of the fee shall be not more than the cost
58 of construction of a sidewalk in the subdivision. Such regulations shall
59 also provide that the commission may require the provision of open
60 spaces, parks and playgrounds when, and in places, deemed proper by
61 the planning commission, which open spaces, parks and playgrounds
62 shall be shown on the subdivision plan. Such regulations may, with
63 the approval of the commission, authorize the applicant to pay a fee to
64 the municipality or pay a fee to the municipality and transfer land to
65 the municipality in lieu of any requirement to provide open spaces.
66 Such payment or combination of payment and the fair market value of
67 land transferred shall be equal to not more than ten per cent of the fair
68 market value of the land to be subdivided prior to the approval of the
69 subdivision. The fair market value shall be determined by an appraiser
70 jointly selected by the commission and the applicant. A fraction of
71 such payment the numerator of which is one and the denominator of
72 which is the number of approved parcels in the subdivision shall be
73 made at the time of the sale of each approved parcel of land in the
74 subdivision and placed in a fund in accordance with the provisions of
75 section 8-25b. The open space requirements of this section shall not
76 apply if the transfer of all land in a subdivision of less than five parcels
77 is to a parent, child, brother, sister, grandparent, grandchild, aunt,
78 uncle or first cousin for no consideration, or if the subdivision is to
79 contain affordable housing, as defined in section 8-39a, equal to twenty
80 per cent or more of the total housing to be constructed in such
81 subdivision. Such regulations, on and after July 1, 1985, shall provide
82 that proper provision be made for soil erosion and sediment control
83 pursuant to section 22a-329. Such regulations shall not impose
84 conditions and requirements on manufactured homes having as their

85 narrowest dimension twenty-two feet or more and built in accordance
86 with federal manufactured home construction and safety standards or
87 on lots containing such manufactured homes which are substantially
88 different from conditions and requirements imposed on single-family
89 dwellings and lots containing single-family dwellings. Such
90 regulations shall not impose conditions and requirements on
91 developments to be occupied by manufactured homes having as their
92 narrowest dimension twenty-two feet or more and built in accordance
93 with federal manufactured home construction and safety standards
94 which are substantially different from conditions and requirements
95 imposed on multifamily dwellings, lots containing multifamily
96 dwellings, cluster developments or planned unit developments. The
97 commission may also prescribe the extent to which and the manner in
98 which streets shall be graded and improved and public utilities and
99 services provided and, in lieu of the completion of such work and
100 installations previous to the final approval of a plan, the commission
101 may accept a bond in an amount and with surety and conditions
102 satisfactory to it securing to the municipality the actual construction,
103 maintenance and installation of such improvements and utilities
104 within a period specified in the bond. Such regulations may provide,
105 in lieu of the completion of the work and installations above referred
106 to, previous to the final approval of a plan, for an assessment or other
107 method whereby the municipality is put in an assured position to do
108 such work and make such installations at the expense of the owners of
109 the property within the subdivision. Such regulations may provide
110 that in lieu of either the completion of the work or the furnishing of a
111 bond as provided in this section, the commission may authorize the
112 filing of a plan with a conditional approval endorsed thereon. Such
113 approval shall be conditioned on (1) the actual construction,
114 maintenance and installation of any improvements or utilities
115 prescribed by the commission, or (2) the provision of a bond as
116 provided in this section. Upon the occurrence of either of such events,
117 the commission shall cause a final approval to be endorsed thereon in
118 the manner provided by this section. Any such conditional approval

119 shall lapse five years from the date it is granted, provided the
 120 applicant may apply for and the commission may, in its discretion,
 121 grant a renewal of such conditional approval for an additional period
 122 of five years at the end of any five-year period, except that the
 123 commission may, by regulation, provide for a shorter period of
 124 conditional approval or renewal of such approval. Any person, firm or
 125 corporation who, prior to such final approval, sells or offers for sale
 126 any lot subdivided pursuant to a conditional approval shall be fined
 127 not more than five hundred dollars for each lot sold or offered for sale.

128 Sec. 2. (NEW) (*Effective October 1, 2007*) Any municipality which
 129 provides in regulations, adopted pursuant to section 8-25 of the
 130 general statutes, as amended by this act, for the payment of a fee in
 131 lieu of any requirement to provide open space, shall deposit any such
 132 payment in a fund which shall be used to pay the cost of installation of
 133 sidewalks anywhere in the municipality, provided such installation is
 134 consistent with the plan of conservation and development of the
 135 municipality.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2007</i>	8-25(a)
Sec. 2	<i>October 1, 2007</i>	New section

Statement of Purpose:

To allow local planning commissions to impose a fee on subdivision applicants instead of requiring sidewalks and allow the funds from such fees to be used for the construction of sidewalks in other areas of the municipality.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: REP. REYNOLDS, 42nd Dist.

H.B. 6420